



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Town of Southern Shores

Council Meeting

September 25, 2007

8:00 A.M.-Pitts Center

Minutes

The Southern Shores Town Council met on September 25, 2007 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Dan Shields, Jodi Hess, David Sanders, and Brian McDonald.

Also present were: Carrie Gordin, town clerk and Ike McRee, town attorney.

Mayor Smith called the meeting to order at 8:00 a.m., led the Pledge of Allegiance and held a moment of silence for our armed forces serving around the world, the families of Doug Apple, David Woody, residents; and for Chief Kole. Chief Kole's mother-in-law recently passed away. Mayor Smith stated the town expresses their gratitude to Doug Apple and his family as being long time volunteers.

APPROVAL OF AGENDA

Mayor Smith moved to approve the agenda as presented. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

INTRODUCTION of NEW EMPLOYEES –Public Works Department

Tim Gregory, public works supervisor introduced Harold Herndon and David Foster. He stated they have a lot of experience between them and they are looking forward to working together in doing a good job for the town.

GENERAL PUBLIC COMMENT

Mayor Smith opened the public comment section.

Jim Conners, 83 Duck Woods Drive, stated he made comments at the last planning board meeting regarding the environment of some of the town meetings. He stated he knows everyone has the right to freedom of speech but the public meetings should be civilized and it should be known when the line has been crossed between free speech and good taste. He stated it our responsibility to conduct ourselves in a civil manner.

Hearing no other comments Mayor Smith closed the public comment section.

APPROVAL OF MINUTES-August 28, 2007

Mayor pro tem Shields moved to adopt the August 28, 2007 minutes as presented. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

CONSENT AGENDA-None

REPORTS

Canal Dredging Project

Mike Hejduk, Code Enforcement Administrator and Joe Anlauf, with Quible Engineering provided a power point presentation to update council and the public on the canal dredging project.

Mike Hejduk stated this update is an abbreviated overview and detail questions would be addressed at the October 2 council meeting. He stated the CAMA major permit application has been prepared by Environmental Professional Inc. (EPI) and submitted to DENR. He stated due to time constraints the project is including the permit application, the bid documents preparation and the dredging all at the same time.

He stated compiling the bid documents it needs to be determined at what depth and what width the canals will be dredged and it is unsure what the cost actually will be. He recommends that Quible be authorized to prepare the bid documents, this takes about 30-45 days, advertise in early November, pre-bid conference, bid in mid-November before Thanksgiving and award in December and that is independent from if we get the permit from the state.

Joe Anlauf provided a detailed review of the project including its physical limitations and which methods would work best in what area. He stated upon talking with Cape Dredging he recommends using both types of methods for the canal dredging. He stated the permit application has a dredge depth of six feet but it has been requested by the Marine Fisheries and Wildlife Resources that the scope of work be reduced that the outside channel be dredged at six feet and a step down dredge to five or even four feet in some areas which would reduce the cost. He stated the application submitted states using the hydraulic method for phase one but it would be less expensive to use the mechanical method or a combination of both methods and the bidding process needs to include the type (s) of methods preferred. He stated there are several areas, specifically at the bridges, that restrict the type of equipment that can be used for the dredging. He stated the logistics of loading and unloading equipment as well as storing equipment during the whole phase needs to be addressed. He stated there are four sites that have been identified: Southern Shores Civic Association properties at the end of Red Bay Lane, the Loblolly Marina, the North Marina and the Hillcrest dredge spoil sites.

He stated the application submitted states the hydraulic method would be used for phase one but it would be less expensive to use the mechanical method or a combination of both methods and the bidding process needs to include the type (s) of methods preferred. He stated if the hydraulic method is solely used it will be a more costly project and not as many bids may be received.

Mayor Smith asked how long is this going to take to get the application approved.

Joe Anlauf stated this is a major application and the state is already requesting more information and the application is not considered complete at this time. He stated amendments will be needed to the application.

Joe Anlauf stated a soil erosion sedimentation permit is required for the containment area and a permit for a storm water management plan is also needed to be submitted to the Division of Water Quality. He stated the CAMA permit representative would like to see the contract bid documents before the application would be considered complete.

He reviewed the bidding process and he stated the price per cubic yard and the construction of the dredge spoil containment area are important. He stated in his professional opinion the mechanical method needs to be part of the project to keep the cost down. He stated there is nothing to prohibit the town from securing the required permits and preparing the bid documents.

Council Member McDonald stated it was council's contention to avoid the mechanical method due to the 17,000 truck loads of spoils that would need to be removed and the amount of damage that would impact the town's roads.

Joe Anlauf stated everyone is sensitive to the road damage that the mechanical method would cause but that council can authorize the specific hours and routes the trucks would use it would only take a year for the project compared to the two to three years using the hydraulic method and if the dredge depth and width were lessened the cost and damage would be less. He stated there is a whole set of conditions specific to mechanical dredging.

Council Member Sanders stated this presentation is to provide detailed engineering information that hasn't been addressed before and to consider modification to the application at the request of certain agencies which should be looked upon favorably by those agencies.

Council Member Hess asked if there can be made available a cost estimate for a mechanical dredging process. Joe Anlauf stated he will be looking at examples to compare for an engineering cost estimate of potential savings but it won't show itself until the bids are received.

Council Member McDonald stated council directed the previous town manager to precede with the contract bid documents over a month ago. He stated council needs to have from Quible the best bid documents and what consequences will be done to the roads and other areas a cost estimate for repair of the roads.

Council Member Hess stated the repair of the roads following the project is not covered and would be a separate budget item in the future. Joe Anlauf stated some of the town roads are going to need to be repaired anyway. She asked if CAMA wants to review the bid documents before the application is considered complete then would the calendar days of review (75 days) for approval not start until the bid documents are ready.

Mike Hejduk stated EPI, the town's permit application agent, has requested that CAMA accept the permit as completed to start the time to get the permit approved. He stated this would stop CAMA from requesting additional information and if modifications were needed to the application they would be done accordingly.

Council Member McDonald stated council wants to see this move ahead and to submit for the dredge berm permit now and not wait for one thing at a time to get done before continuing with the project.

Joe Anlauf stated there is a 30-day express review for the project documents at a cost of \$2,000 each. He stated two permits are needed.

Mayor pro tem Shields moved to direct Quible to develop the bid documents immediately and to include the use of both the hydraulic and mechanical methods for the dredging as applicable to the areas and proceed with other documentation needed for the project. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

OLD BUSINESS

Tidewater Fibre Recycling (TFC) Contract

Mayor Smith stated upon reviewing the contract the town would like to be out of the recycle can business and he asked Tim Lee, representative for TFC, if the company is able to accommodate the residents by allowing them to purchase cans directly from TFC. Mr. Lee stated yes they could supply the cans and bill the property owners.

Mayor Smith stated he has some concerns about the billing process and he would like to see what the cost to the town would be if they were billed for the service by the tonnage or by per can instead of per household as is currently billed. He stated currently the town is billed for 2300 households but the billing shows 1600 cans are picked up. He stated it appears to him that the town is being overcharged. He asked if the billing could be based on the average of the total amount of the cans picked up.

Mr. Lee stated tonnage is a variable and a base rate can not be set. He stated the trucks are still driving by each house and the charge is typically based on per household no matter how many cans are picked up. He stated there are some other ways to bill such as a bar code system but the initial startup cost is high, there is a pay as you throw program which is expensive or the current pickup schedule could be reduced in the winter to every other week. He stated any type of billing change would be more expensive than what the town is paying now.

Council Member Hess stated to understand TFC looks at the whole town and sets a rate per household but if the collection was set using an average per can then the costs would increase. Mr. Lee stated that is correct the rate could be higher. He stated providing a collection service the design of the collection system and routing based on the entire system, the service is not charging by how many cans that are picked up but by the entire system.

Council Member Hess stated the town had an every other week schedule at one time but it was changed to every week.

Merrie Smith stated the proposed contract does not include commercial pickup which is part of the service. Mr. Lee stated he would look into it.

Bonnie Swain asked if the town switched to the 95 gal. can even though they are four dollars more than the 65 gal. can could the cost be adjusted by using the 95 gal. can if we went to an every other week pickup schedule. Mr. Lee stated the can price has already increased by five dollars since the contract was drafted.

Mayor Smith asked Mr. Lee to submit new costs estimates reflecting an every other week pickup schedule for the winter and a cost using the average cost per can.

Mr. Lee stated TFC will continue the current service until council approves a new contract.

He stated if more than two municipalities were using the service it would benefit everyone.

He will provide the new information to council for the October 2 meeting.

Town Manager Selection Process

Council Member Hess stated council was to review the applications and assess the ones to be interviewed and discuss using the assessment panel like was used for the selection of the police chief. She stated using the panel would involve input from a committee of citizens upon their assessment of the candidates council would then interview the top applicants.

Mayor pro tem Shields stated the committee members would need to be selected and the list of applicants would need to be pared down.

Mayor Smith asked if the council members have reviewed all the applications. Some of the council members have not had a chance to review the applications.

Council Member Hess moved that council precede with using the assessment panel process for the selection of the town manager position and that council pare down the applicant list for those to be interviewed. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Council Member Hess stated council would provide the panel with the applications of 8-10 applicants for the panel to assess. She suggested council look at the previous applications that are on file.

Council Member McDonald stated he would like to interview no more than 3-5 applicants.

Council consensus is the closing date for accepting applications should be September 30, 2007.

Council agreed to continue this issue at the October 2 meeting and place on the agenda as a closed session item.

NEW BUSINESS

Government Access Channel Indemnification Agreement (GAC)

Council Member Hess explained that the League of Women Voters (LWV) did not have money to video tape the Southern Shores Candidates Forum last time but they are video taping it this year. She stated GAC is requesting the LWV have a sponsor to place the taping on the GAC (channel 20). GAC has provided the necessary information for council to consider sponsoring the event.

Council Member Hess moved to sponsor the League of Women Voters "Candidate Forum" to be aired on the GAC at no cost to the town. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Mayor Smith suggested and council agreed that the LWV be sent a letter advising them they need to find a different location in the future for the candidate's forum. He stated the Pitts Center's occupancy is restricted to 100 people.

OTHER ITEMS

Manager-None

Mayor

Mayor Smith stated it was brought to his attention at a recent Mayor's chat from a resident that beach goers were placing canopies on the beach and leaving them overnight or longer. The resident also stated that people were tying kayaks to the steps of the accesses and leaving strollers and toys by the steps. He stated this is impacting the pleasure of using the beach by others and that it is a problem and requested council to look into it.

Mayor Smith stated Bob Palombo provided council with a copy of ordinance language from Ocean Isle banning canopies and abandoned items for council to discuss.

Mayor Smith stated this could be a retreat item.

Council Member Hess asked if this is something the planning board would discuss. The town attorney stated this type of ordinance is under police authority and staff would review.

Council Member Hess suggested staff review the Ocean Isle ordinance and make recommendations accordingly. Council agreed.

Mayor stated that council discussed at their last meeting to make an official statement that council has decided not to pursue the condemnation process for the Chicahawk spoil site at this time.

Mayor Smith requested that as an item for discussion the paper street (Michael Alan Street) be placed on the October 2 agenda. He stated the town attorney will provide information on what procedures need to be followed to vacate or close a street.

Council

Council Member McDonald asked what the status of the canal dredging project manager is. Mayor Smith stated we are waiting to hear from Chief Kole.

Council Member McDonald stated he attended the public meeting held by the Department of Water Quality regarding the new storm water regulations. He stated it was very informative and that the new regulations are going to have a big impact on the individual property owner. He stated a property owner is required to apply for a permit if the property is within ½ mile of the SA waters and it will take up to 150 days to get an approval. He stated the public input sentiment was that one size does not fit all as applicable to the individual's property.

GENERAL PUBLIC COMMENT

Mayor Smith opened the public comment section.

Al Smith and Kevin Stroud asked if council could do something about the sound system; the citizens can't hear what council is saying.

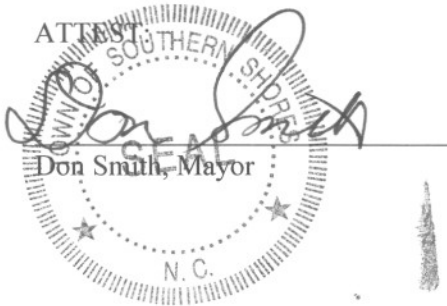
Council directed staff to look into options for upgrading the microphones.

Hearing no other comments Mayor Smith closed the public comment section.

Council decided they would not go into closed session today but would place closed session on the October 2, 2007 council agenda.

Hearing no other business Mayor pro tem Shields moved to adjourn at 10:20 a.m. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

ATTEST:



Respectfully submitted:


Carrie Gordin, Town Clerk